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REMARKS

By way of the present response, claims 1, 3, 5, 7, 8, 12, 14-17, 19, 21, 22, 25-27, 30-32, 35 and 36 are amended. In view of the above amendments and the following remarks, reconsideration and withdrawal of the rejections of the claims is respectfully requested.

Applicants note with appreciation the Examiner's indication of allowable subject matter in connection with dependent claims 7, 14, 21, 26, 31, 36. However, in light of the present amendments to the independent claims and the following remarks, Applicants respectfully submit that all claims are allowable.

On page 17 of the action, the Office correctly indicates that the citation of U.S. Patent No. 6,106,409 is erroneous. Filed concurrently herewith is a PTO Form 1449, which cites Patent No. 6,016,409 to Beard et al. The Office is requested to consider this document by returning an initialed copy of the PTO Form 1449 to Applicants.

In the final office action, the Office has maintained the rejection of claims 22-24 and 32-34 under 35 U.S.C. § 102(e) as being anticipated by the Hayward et al. patent, the rejection of claims 24 and 34 as being anticipated under 35 U.S.C. § 102(e), or obvious under 35 U.S.C. § 103(a) by Hayward et al., the rejection of claims 1-6, 8-13, 15-20 and 27-29 under 35 U.S.C. § 103(a) as being obvious over Hayward et al., the rejection of claims 25, 30, and 35 under 35 U.S.C. § 103(a) in view of the Hayward et al. taken with official notice, the rejection of claims 1-3 and 15-17 under 35 U.S.C. § 102(e) as being anticipated by the Haines et al. publication, the rejection of claims 8-10 under 35 U.S.C. § 103(a) as being obvious in view of Haines et al., the rejection of claims 5-6, 12-13, 22-24, 27-29, and 32-34 under 35 U.S.C. § 103(a) as being obvious in view of Haines et al. in further view of the Bezos et al. patent, the rejection of claims 4 and 11 under 35 U.S.C. § 103(a) in view of Haines et al. and official notice, and the rejection of claims 15-20, 25, 30, and 35 under 35 U.S.C. § 103(a) in view of Haines et al., Bezos et al., and official notice. Insofar that the Office may consider these rejections to apply to the amended claims, Applicants respectfully traverse.

Page 18 of the action includes a statement asserting that Applicants arguments presented in the Amendment filed on August 8, 2005, were not persuasive. More particularly, in response to Applicants' arguments that none of Hayward et al., Haines et al., Bezos et al. documents, and the allegations of official notice, teaches or suggests the claim 1

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method including *inter alia* "submitting with the device the order for the at least one of the consumable to a supplier," and similar subject matter set forth in independent claims 8, 15, and 27, and "an ordering system with the device that submits the order for the at least one of the consumables to a supplier if the monitored input indicates an order should be placed," and "an ordering system that submits an order with the device for the at least one consumable for the device," as respectively set forth in the context of the systems recited in independent claims 15 and 32, the Office asserts that claimed "device" can be interpreted to read on an entire system described in the Hayward et al. and Haines et al. documents, which include a computer and a peripheral. The Office further states, "Applicants' claims do not define the device as referring only to a printer or other peripheral; therefore, 'device' can reasonably be interpreted as referring to the system comprising both the computer and the peripheral" (page 18, lines 15-17).

Accordingly, in light of the foregoing statement by the Office, and the Office's broad interpretation of the Hayward et al. and Haines et al. documents, Applicants have amended the independent claims as set forth above to further define the claimed "device" as a "peripheral device." No new matter has been added by way of this amendment. For example, support for this amendment can be found in paragraphs 0002, 0015-0016, and 0038, and Figure 1 in the above-identified patent application.

Hayward et al.

The Hayward et al. patent discloses, as shown in Fig. 2, a system in which a computer (i.e., item 30) is located between a peripheral device (item 10) and the supplier on a network. When ordering a new consumable for the peripheral device, a browser is opened on the computer, and a purchase order page is displayed to the user. After the user fills out the purchase order screen, the order is sent *directly* to the supplier's server either via the browser, or via e-mail. Portions of the purchase order page, such as the user's personal information, may be automatically entered based on information stored on the computer. (See, column 8, lines 5-37.) In contrast to the present invention, however, nowhere does the Hayward et al. patent describe "submitting with the peripheral device the order for the at least one of the consumable to a supplier," as set forth in independent claims 1 and 8, "submitting an order with the peripheral device for at least one consumable . . .," as recited in claim 22 and 27, "an ordering system with the peripheral device that submits the order for the at least one of the

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consumables to a supplier if the monitored input indicates an order should be placed,” and “an ordering system that submits an order with the peripheral device for the at least one consumable for the device,” as respectively recited in the context of the system in independent claims 15 and 32. Hence, Hayward et al. does not describe, nor would it have taught or suggested to a person of ordinary skill in the art, what is presently recited in independent claims 1, 8, 15, 22, 27 and 32.

Haines et al.

The Haines et al. publication likewise fails to disclose the claimed methods and systems in connection with a peripheral device. As pointed out in Applicants’ remarks of August 8th, Haines et al. show in Fig. 3 and describe in paragraph 0054 a system in which an individual called “a maintainer” can detect a signal from a device via a computer indicating a consumable’s status, such as “TONER LOW”. In particular, the maintainer retrieves the status of the consumables of the device by submitting a request to a computer, which then obtains the information via a network (see, paragraph 0064). Also, the device may send a message to a computer indicating that a consumable is needed, and the message may be transferred to the maintainer via a user interface on the computer (see, paragraph 0055). The maintainer then may take actions provide “NEW TONER” to the device. For example, the maintainer may retrieve the consumable from an inventory and provide it to the device. However, the Haines et al. publication does not disclose or suggest “submitting with the peripheral device an order for the at least one consumable to a supplier a peripheral device,” as recited in claims 1 and 8, “submitting an order with the peripheral device for at least one consumable ...,” as recited in claims 22 and 27, “an ordering system with the peripheral device for the at least one consumable ...,” as recited in claim 15, and “an ordering system that submits an order with the peripheral device ...,” as recited in claim 32. As with the Hayward et al. patent, the Haines et al. publication fails to describe, teach or suggest to place an order for a consumable with the peripheral device.

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Bezos et al.

The Bezos et al. patent, which is relied upon for its disclosure of the use of cookies to identify a customer when that customer places an order, does not remedy the deficiencies pointed out above with respect to Hayward et al. and Haines et al. Additionally, Bezos et al. is silent with respect to ordering consumables for a peripheral device, and thus does not disclose or suggest the claimed features "submitting, with the peripheral device, the order for the at least one of the consumable to a supplier if the monitored input indicates an order should be placed," as recited in the context of independent claims 1 and 8, and similar subject matter pointed out above with respect to the remaining independent claims.

As none of the Hayward et al., Haines et al. and Bezos et al. documents disclose or suggest the combination of recited features in connection with a peripheral device, no combination of these documents would have taught or rendered obvious the novel feature of the claimed invention. Moreover, the present invention provides advantages that are not offered in the methods and systems of Hayward et al., Haines et al. and Bezos et al. For instance, the claims recite systems, methods, and media wherein an order for consumables is submitted with the peripheral device. For example, as is shown in Applicants' exemplary embodiment of Figure 1, a peripheral device 11, such as a printer, a facsimile machine or other multi-function device, includes a communication system that is connected to supplier processing system 26. When a new consumable, for example, an ink cartridge, is needed for the peripheral device, a customer may place an order using a graphic user interface of the peripheral device. The order is transmitted to the supplier processing system over a network connection via the peripheral device, rather than placing the order with a computer with a network connection. Thus, the claimed invention provides advantages over the teachings of the documents relied upon by the Office. For instance, the present invention facilitates saving time for a customer by allowing the customer to reorder consumables directly from the peripheral device. In addition, the use of a peripheral device to place an order for consumables helps direct the business from the sale of the consumables back to a specific retailer, such as the original retailer of the device.

Official Notice

The action includes several instances where official notice is taken for claimed subject matter that was allegedly well known at the time of Applicants' invention. It is respectfully

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submitted, however, that no official notice taken in the action relates to claimed features pointed out above as missing from the Hayward et al., Haines et al. and Bezos et al. documents.

With respect to claims 4, 11 and 18, the Office takes official notice that confirming an order before submitting an order is well known practice in the art. However, merely having knowledge of confirming orders before submitting them does not relate to the combinations of specific features recited in claims 1, 8 and 15, from which claims 4, 11 and 18 respectively depend, which include "submitting with the peripheral device the order . . .," as recited in claims 1 and 8, and "an ordering system with the peripheral device . . .," as recited in claim 15.

Additionally, the Office takes official notice with respect to features recited in claims 25, 30 and 35, namely, that it is was allegedly well known to maintain and retrieve records of which dealer sold a device. However, even if one were to consider, for the sake of argument, that that it is known to maintain and retrieve such records, such a teaching would be too general, and thus not address why this specific proposed modification would have been obvious within the context of processing the order for at least one consumable for a peripheral device, wherein the processing comprises retrieving information that identifies a retailer that sold the peripheral device. Furthermore, this official notice does not relate the features presently claimed and discussed above with respect to submitting an order and an ordering system that submits an order.

The remaining claims 2-5, 9-13, 16-20, 23-25, 28-30, and 33-35 depend from one of claims 1, 8, 15, 21, 27 and 32, and are therefore allowable at least for the above reasons. Additionally, these dependent claims recite combinations of features setting forth additional, separately patentable subject matter not taught in the Hayward et al., Haines et al., Bezos et al. documents and official notices taken.

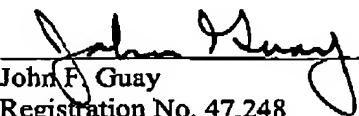
Accordingly, Applicants respectfully request that all rejections under 35 U.S.C. § 102(e) and/or 35 U.S.C. § 103(a) in view of the Hayward et al., Haines et al., Bezos et al. and official notices taken, be withdrawn.

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In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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